

## **BILL ANALYSIS**

Senate Research Center

S.B. 715  
By: Lucio et al.  
Education  
7/18/2013  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 715 is a "clean up" bill intended to make uniform references to certified "school counselors" throughout the Education Code. Currently, the code uses inconsistent terms to denote certified school counselors. For example, certified school counselors are sometimes referred to as "guidance counselors" or "high school counselors." S.B. 715 replaces inconsistent references to certified school counselors with the uniform "school counselors."

S.B. 715 amends current law relating to counselors employed by school district, including the use of consistent terminology in the Education Code to refer to school counselors and a license requirement for licensed professional counselors employed by school districts.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 7.055(b)(18), Education Code, to require the commissioner of education (commissioner) to adopt a recommended appraisal process and criteria on which to appraise the performance of teachers, a recommended appraisal process and criteria on which to appraise the performance of administrators, and a job description and evaluation form for use in evaluating school counselors, rather than counselors, as provided by Subchapter H (Appraisals and Incentives), Chapter 21 (Educators).

SECTION 2. Amends Section 11.252(a), Education Code, to change a reference to counselors to school counselors.

SECTION 3. Amends Section 12.1059, Education Code, to change a reference to counselor to school counselor.

SECTION 4. Amends Sections 12.133(b), (c), (d), and (e), Education Code, to change references to full-time counselors to full-time school counselors.

SECTION 5. Amends Section 19.007(f), Education Code, to change a reference to full-time counselors to full-time school counselors.

SECTION 6. Amends Sections 19.009(d-1) and (d-2), Education Code, to change references to full-time counselor to full-time school counselor.

SECTION 7. Amends Section 21.002(a), Education Code, to change a reference to counselor to school counselor.

SECTION 8. Amends Section 21.003, Education Code, as follows:

Sec. 21.003. CERTIFICATION REQUIRED. (a) Changes a reference to counselor to school counselor.

(b) Prohibits an individual from being employed by a school district in certain positions, including a licensed professional counselor, unless the person is licensed by the state agency that licenses that profession and is authorized to perform specific services within those professions for a school district only if the person holds the appropriate credential from the appropriate state agency, except as otherwise provided by this subsection.

SECTION 9. Amends Section 21.101, Education Code, to redefine "teacher" in this subchapter.

SECTION 10. Amends Section 21.201(1), Education Code, to redefine "teacher."

SECTION 11. Amends Section 21.402(a), Education Code, as effective until September 1, 2017, to require a school district to pay certain employees, including each full-time school counselor, by a certain formula.

SECTION 12. Amends Section 21.402(a), Education Code, as effective September 1, 2017, to make a conforming change.

SECTION 13. Amends Section 21.402(c-1), Education Code, to change a reference to full-time counselor to full-time school counselor.

SECTION 14. Amends Sections 21.403(a) and (c), Education Code, to change references to counselor to school counselor.

SECTION 15. Amends Section 21.4031(a)(2), Education Code, to redefine "service record."

SECTION 16. Amends Section 21.4031(b), Education Code, to change a reference to counselor to school counselor.

SECTION 17. Amends Section 22.051(a), Education Code, to redefine "professional employee of a school district" in this subchapter.

SECTION 18. Amends Section 26.004, Education Code, to change a reference to counselor evaluations to school counselor evaluations.

SECTION 19. Amends Section 28.0212(a), Education Code, to require a principal to designate a school counselor, rather than a guidance counselor, teacher, or other appropriate individual to develop and administer a personal graduation plan for each of certain students enrolled in a junior high, middle, or high school.

SECTION 20. Amends Section 28.026(a), Education Code, as follows:

(a) Changes a reference to counselor's office to school counselor's office. Requires the school district, in addition to certain requirements, to require that each school counselor and class advisor at a high school, rather than high school counselor and class advisor, be provided a certain detailed explanation. Requires the school district, in addition to certain requirements, to require that each school counselor and senior class advisor at a high school, rather than each high school counselor and senior class advisor, explain certain information to eligible students.

SECTION 21. Amends Section 28.054(b), Education Code, to change a reference to the student's guidance counselor to the student's school counselor.

SECTION 22. Amends Section 29.082(e), Education Code, to change references to counselor to school counselor.

SECTION 23. Amends Section 29.911(b), Education Code, to change a reference to counselors to school counselors.

SECTION 24. Amends Section 30.024(a), Education Code, to redefine "teacher" in this section.

SECTION 25. Amends Section 30.055(a), Education Code, to redefine "teacher" in this section.

SECTION 26. Amends Section 30.102(b), Education Code, to change references to a full-time counselor to a full-time school counselor.

SECTION 27. Amends the heading to Section 33.002, Education Code, to read as follows:

Sec. 33.002. CERTIFIED SCHOOL COUNSELOR.

SECTION 28. Amends Sections 33.002(b) and (c), Education Code, to change references to counselor to school counselor.

SECTION 29. Amends Section 33.005, Education Code, to change a reference to counselor to school counselor.

SECTION 30. Amends the heading to Section 33.006, Education Code, to read as follows:

Sec. 33.006. SCHOOL COUNSELORS; GENERAL DUTIES.

SECTION 31. Amends Section 33.006(b), Education Code, to change a reference to counselor to school counselor.

SECTION 32. Amends Sections 33.007(a) and (b), Education Code, to change references to counselor to school counselor.

SECTION 33. Amends Section 37.306(a), Education Code, to change a reference to counselor to school counselor.

SECTION 34. Amends Section 38.0041(c), Education Code, to change a reference to counselors to school counselors.

SECTION 35. Amends Section 51.9355(a), Education Code, to require the governing board of each general academic teaching institution to establish an office at the institution to assist applicants, potential applicants, school counselors at the high school level, rather than high school guidance counselors, and other interested persons requesting certain assistance.

SECTION 36. Amends Section 56.308(b), Education Code, to change a reference to counselors to school counselors.

SECTION 37. Amends Section 56.460(b), Education Code, to change a reference to counselors to school counselors.

SECTION 38. Amends Sections 61.806(c) and (d), Education Code, to change references to counselors to school counselors.

SECTION 39. Amends Section 61.855(d), Education Code, to change references to counselors to school counselors.

SECTION 40. Amends Section 503.051, Occupations Code, to provide that this chapter does not apply to an activity, service, or use of an official title by a person employed as a counselor by a federal, state, county, or municipal agency, or except as provided by Section 12.003(b), Education Code, by a public or private educational institution if the person is performing counseling or counseling-related activities within the scope of the person's employment.

SECTION 41. Effective date: upon passage or September 1, 2013.